

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

SHAWN RICHARD COUDRIET,)	
Petitioner,)	Civil Action No. 13-113
)	
v.)	Chief District Judge Sean J. McLaughlin
)	Magistrate Judge Susan Paradise Baxter
BRIAN V. COLEMAN, <u>et al.</u>,)	
Respondents.)	

MEMORANDUM ORDER

SEAN J. McLAUGHLIN, Chief District Judge.

The petitioner, Shawn Richard Coudriet, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. This case was referred to United States Magistrate Judge Susan Paradise Baxter for a report and recommendation in accordance with 28 U.S.C. § 636(b)(1) and Rule 72 of the Local Rules for Magistrate Judges. On June 17, 2013, the Magistrate Judge issued a Report and Recommendation ("R&R") [ECF No. 3] in which she explained that the claims that Coudriet has raised are not sufficient to proceed in habeas. The Magistrate Judge recommended that, unless Coudriet files an amended petition in which he states an adequate claim, the petition be summarily dismissed without service and a certificate of appealability be denied. 28 U.S.C. § 2243; Rule 4 of the Rules Governing Section 2254 Cases In the United States District Court.

Objections to the R&R were due by July 5, 2013. Coudriet did not file any. In late June, he did file a motion for an extension to file the amended petition. [ECF No. 4]. That motion was granted and he was ordered to file the amended petition on or before July 29, 2013. The Court expressly advised him that "[i]f [he] does not file his amended petition by the due date, the Court will assume that he has decided to proceed with his original petition." [ECF No. 5].

Coudriet did not file an amended petition. Therefore, the Court assumes that he intends to proceed with his original petition, which the Magistrate Judge recommended be summarily dismissed without service. After *de novo* review of the petition and documents in this case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 30th day of July, 2013;

IT IS HEREBY ORDERED that the petition for a writ of habeas corpus is DISMISSED and a certificate of appealability is DENIED.

The Report and Recommendation [ECF No. 3] of Magistrate Judge Baxter, filed on June 17, 2013, is adopted as the opinion of the Court.

The Clerk is directed to mark the case closed.

s/ Sean J. McLaughlin
Chief United States District Judge

cc: All parties of record
Susan Paradise Baxter,
U.S. Magistrate Judge